

REMARKS

Claims 1-11 are pending in the above-referenced patent application. Claims 1-5 have been amended, and claims 6-11 are new. It is noted that new claims 6-11 have adequate support in the specification. As just an example, support may be found on page 6, lines 17-35 and Figure 3A.

In the Office Action, dated April 22nd, 2005, the Examiner rejected claims 1, 2, 4 and 5 under 35 U.S.C. 102(b) as being anticipated by Tsai (U.S. Patent No. 5,798,849); and objected to claim 3 for being dependent on a rejected base claim. These rejections and objections are respectfully traversed.

The Examiner has rejected claims 1, 2, 4 and 5 under 35 U.S.C. 102(b) as being anticipated by Tsai. This rejection by the Examiner is respectfully traversed. It is noted that the foregoing amendments to claims 1-5 were not made in response to any prior art. These changes were made to correct minor grammatical and typographical errors in the claims and to make it more clear what the claims do and do not cover. It is believed that there is adequate support in the specification for the amendments made to the claims, and no new matter is introduced by these amendments. Furthermore, it is believed that these amendments do not narrow claim scope. Rather, in some cases, the claims are even broadened. Therefore, no prosecution history estoppel should result from these claim amendments.

Assignee respectfully submits that Tsai does not disclose each and every element of the rejected claims, as amended, and, therefore, a *prima facie* case under 35 U.S.C. 102(e) has not been established. As just an example, Assignee begins with claim 1, as amended. Claim 1, as amended, recites:

“1. An optical scanner, comprising:

a light source to provide light incident upon a transmission document for generating image signals;

an optical chassis capable of receiving at least a portion of the image signals;

a scanning zone to position the transmission-typed document;

a plug-in calibration film coupled to the optical scanner, wherein the plug-in calibration film is configured to transmit at least a portion of the image signals; and

at least one attachment for the plug-in calibration film formed on the optical chassis."

It is respectfully submitted that Tsai does not show or describe "a plug-in calibration film", as recited in the rejected claims. It is noted that many other bases for traversing the rejection could be provided, but Assignee believes that this ground is sufficient. It is respectfully requested that the Examiner withdraw the rejection as to claim 1, as amended.

Assignee respectfully submits that Tsai does not disclose each and every element of the rejected claims, a *prima facie* case under 35 U.S.C. 102(e) has not been established, and claim 1, as amended, is in condition for allowance. Additionally, claims 2-5, as amended and new claims 6-11 are in a condition for allowance for at least the same reasons as claim 1, as amended.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all of the claims pending in this patent application, as amended, are in condition for allowance. If the Examiner has any questions, he is invited to contact the undersigned at (503) 439-6500. Reconsideration of this patent application and early allowance of all the claims is respectfully requested.

Please charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account number 50-3130.

Respectfully submitted,


Michael J. Willardson
Reg. No.: 50,856

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